

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 9, 15 through 18, 43, 44, 57, and 59 through 63 are pending, with Claims 1, 8, 15, 43, 57, and 62 being independent. Claims 6, 59, and 61 were objected to and indicated as being allowable if rewritten in independent form. Applicant has respectfully maintained said claims in dependent form as Applicant earnestly believes that the claims from which they depend will be found allowable. Claims 1, 7, 8, 15, 43, 57, 59, and 61 through 63 have been amended.

Claims 1 through 5, 7 through 9, 15 through 18, 43, 44, 57, and 62 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,264,892 (Nonaka, et al.). Claim 63 was rejected under 35 U.S.C. § 103 over Nonaka, et al. in view of U.S. Patent No. 5,552,853 (Muramatsu, et al.). All rejections are respectfully traversed.

The Official Action relies upon Nonaka, et al.'s Fig. 8 path S1-S2-S3-S31-S32-S36-S31A-S32A-S36A-S39-S40-S41 (hereinafter "Path 1"). Applicant respectfully notes that Fig. 8 also shows other paths, e.g.: (a) S1-S2-S3-S31-S32-S36-S31A-S32A-S36A-S35A (hereinafter "Path 2"); and (b) S1-S2-S3-S31-S32-S33-S34-S37-S31A-S32A-S33A-S34-S35A ("Path 3").

Claim 62 recites, inter alia, a selection circuit which selects, from the plurality of distance-values, at least one measured distance-value, between the shortest distance-value where focusing operation is possible and a predetermined distance-value, without taking into account the position in the image plane of the plurality of distance-measured regions.

Claims 1, 8, 15, and 43 recite, inter alia, that the plurality of distance-measured regions constitutes all distance-measurable regions of the distance-measuring device, and selection is effected such that in the case that more than one of the plurality of distance-values have been determined to be greater than or equal to a predetermined distance-value, all of the plurality of distance-values that have been determined to be greater than or equal to the predetermined distance-value are excluded and all other distance-values of the plurality of distance-values are not excluded.

Claim 57 recites, inter alia, that the plurality of distance-measurable regions constitutes all distance-measurable regions of the distance-measuring device, and the selection circuit excludes all of the plurality of distance-values that have been determined to be greater than or equal to the predetermined distance-value and does not exclude any other distance-values of the plurality of distance-values.

However, Applicant respectfully submits that Nonaka, et al. fails to disclose or suggest at least the above-discussed claimed features as recited, inter alia, in Claims 1, 8, 15, 43, 57, and 62.

With respect to Claim 62, Applicant respectfully understands that Nonaka, et al. does take into account the position in the image plane.

With respect to Claims 1, 8, 15, 43, and 57, Applicant respectfully submits that Path 1 of Nonaka, et al. fails to show that in the case that more than one of the plurality of distance-values have been determined to be greater than or equal to a predetermined distance-value, all of the plurality of distance-values that have been determined to be greater than or equal to the predetermined distance-value are excluded, as recited in those claims. Rather, as

Applicant understands Path 1, C is selected despite the fact that it is greater than F. Applicant also respectfully points out that Path 2 and Path 3 of Nonaka, et al., each fail to show that in the case that more than one of the plurality of distance-values have been determined to be greater than or equal to a predetermined distance-value, all other distance-values are not excluded as recited in those claims. Rather, as Applicant understands Path 2, L2 and R2 are excluded even though they have not been determined to be greater than or equal to the predetermined value. Similarly, as Applicant understands Path 3, L2 and R1 are excluded even though they have not been determined to be greater than or equal to the predetermined value.

Applicant further respectfully submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to turn to Muramatsu, et al. to attempt to remedy the deficiencies of Nonaka, et al., assuming, arguendo, that the documents could be combined.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly

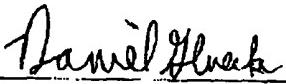
believed that the prior Amendment placed the subject application in condition for allowance.

Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicant
Daniel S. Glueck
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSQ/dc
DC MAIN 1464NN v 1